

Log H-496



# National Transportation Safety Board

Washington, D.C. 20594

## Safety Recommendation

Date: June 5, 1987

In reply refer to: H-87-20

To the Governors of  
20 Selected States and  
the Mayor of the District of Columbia  
(see attached list)

About 2:43 p.m. central standard time on November 11, 1985, a schoolbus owned by R. W. Harmon and Sons, Inc. was eastbound on I-70 transporting 13 high school students to their homes in St. Louis, Missouri, from the Parkway North Senior High School. As the schoolbus was approaching the Lucas and Hunt Road exit, it went out of control, swerved to the right, and the right front of the schoolbus struck a guard rail, a concrete pedestal, and a sign support pillar located adjacent to the right eastbound roadway. The schoolbus body and the steering axle separated from the chassis during the collision. The weather was cloudy and the pavement was dry. The schoolbus did not catch fire. Two students were killed; the schoolbus driver and one student sustained serious injuries, and the remaining 10 students sustained minor to moderate injuries. <sup>1/</sup>

National Transportation Safety Board investigators conducted a telephone survey of the 50 States and the District of Columbia to determine the extent the jurisdictions use private contractors to transport public school children. In addition, the survey queried the jurisdictions concerning their schoolbus driver preemployment screening requirements or recommended procedures relating to driving and criminal violation records.

Forty-seven (92 percent) of the jurisdictions use private contractors to some extent to transport public school children. Thirty of the States (59 percent) require, either by statute or regulation, that a prospective employer obtain a schoolbus driver applicant's driving record from the central State driver licensing authority. Fourteen of the States (27 percent) and the District of Columbia have recommendations or guidelines that suggest schoolbus operators obtain the driving record from the State central driver licensing authority.

At the time of the survey, seven States (Alabama, Idaho, Maine, Mississippi, Missouri, North Dakota, and Vermont) did not have statutes, regulations, recommendations, or guidelines to schoolbus operators requiring or suggesting that a schoolbus driver applicant's driving record be obtained from the central State driver licensing agency as part of any preemployment screening procedures.

<sup>1/</sup> For more detailed information, read -- Highway Accident Report -- "Schoolbus Loss of Control and Collision with Guard Rail and Sign Pillar, U.S. Highway 70 Near Lucas and Hunt Road, St. Louis County, Missouri, November 11, 1985" (NTSB/HAR-87/2).

Driving records can be obtained, with certain limitations, by prospective employers from all 50 States and the District of Columbia. Since January 1, 1971, interstate commercial vehicle operators have been required by Federal regulation (Title 49, Code of Federal Regulations, Part 391.23) to obtain a driver applicant's driving record for the preceding 3 years by making inquiry to the appropriate agency in every State in which the applicant held a motor vehicle operator's license or permit during those 3 years.

According to the American Trucking Associations <sup>2/</sup> driver license records are available to prospective employers at a cost ranging from \$10.00 in Louisiana to \$0.75 in Nebraska for each inquiry submitted. Several jurisdictions impose limitations on the age of convictions that will be reported. Some jurisdictions require a signed release from the driver applicant or a certification from the requestor that the inquiry is for employment purposes before any record of driving convictions will be released. Massachusetts will furnish driving records only to the license holder.

Some jurisdictions include both driving violation convictions and accidents in the information supplied in response to a request. In other jurisdictions accident information must be requested separately and an additional fee may be charged.

The purpose of issuing drivers' license by the States is to establish minimum driver qualifications and to ensure that the driving privilege is granted only to those individuals who meet the minimum qualifications. Driving violation records are maintained so that the licensing agency can identify an individual with driving violations so that steps can be taken either to improve that individual's driving behavior or to withdraw the driving privilege.

Although there is no evidence indicating that the schoolbus driver had more than one operator's license, the Safety Board is aware that a driver may be able to conceal some or all of his driving violations from a licensing agency or a prospective employer by not reporting that he holds licenses from more than one State. <sup>3/</sup>

A State licensing agency or a prospective employer must also address the problem of determining what type and/or number of driving violations accumulated over an arbitrary period of time will disqualify a prospective employee from driving a schoolbus. Simply requiring that a schoolbus driver have a "good" driving record provides almost no guidance to a prospective employer.

Nevertheless, in spite of the informational limitations and inconsistencies which presently exist in the driving licensing and qualification system in the United States, the Safety Board believes that before an applicant is employed a schoolbus operator should obtain a report of a schoolbus driver applicant's license status and driving violation record from the central State licensing agency in each State where the applicant is or has been licensed.

<sup>2/</sup> "How and Where to Check Driving Records and Report Accidents," American Trucking Associations, Department of Safety, 2200 Mill Road, Alexandria, Virginia 22314, rev. January 1986.

<sup>3/</sup> For more detailed information, read--"Training, Licensing, and Qualification Standards for Drivers of Heavy Trucks, April 17, 1986," (NTSB/SS-86/02).

This preemployment screening process would verify that the applicant is properly licensed, and would help a prospective employer make a more informed judgement on the applicant's qualifications to operate a schoolbus safely. States which do not presently mandate such an inquiry should do so without delay.

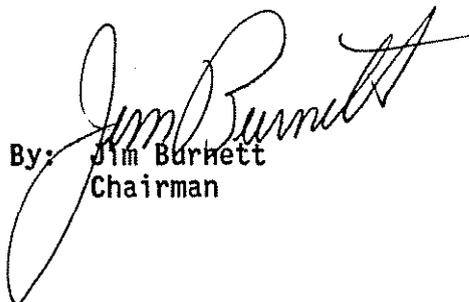
Therefore, as a result of its investigation, the National Transportation Safety Board recommends that 20 selected States and the District of Columbia:

Require, as a part of preemployment screening procedures, that all schoolbus operators in your jurisdiction obtain the driving record for each schoolbus driver applicant for the preceding 3 years by making inquiry to the appropriate agency in every State in which the applicant held a motor vehicle operator's license or permit for those 3 years. (Class II, Priority Action) (H-87-20)

Also as a result of its investigation, the Safety Board issued Safety Recommendations H-87-18 to the Federal Highway Administration, H-87-19 to the Governor of the State of Missouri, H-87-21 to the Governors of Alabama, Alaska, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, South Carolina, South Dakota, Texas, Vermont, Virginia, Washington, Wyoming, and the Mayor of the District of Columbia.

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility "...to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations" (Public Law 93-633). The Safety Board is vitally interested in any action taken as a result of its safety recommendations. Therefore, it would appreciate a response from you regarding action taken or contemplated with respect to the recommendation in this letter. Please refer to Safety Recommendation H-87-20 in your reply.

BURNETT, Chairman, GOLDMAN, Vice Chairman, and LAUBER and NALL, Members, concurred in this recommendation.

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